

bL... COPY

FEB 20 2007

Application No.: 10/729497

Case No.: 58069US004

be necessary, the scope of analysis of novelty of all the claims of Groups I and II would have to be as rigorous as when only the claims of Group I were being considered by themselves. Clearly, this duplication of effort would not be warranted where these claims of different categories are so interrelated. Further, Applicants submit that for restriction to be effected between the claims in Groups I and II, it would place an undue burden by requiring payment of a separate filing fee for examination of the nonelected claims, as well as the added costs associated with prosecuting two applications and maintaining two patents.

Species Election

Applicant has also been required to elect a single disclosed species of (a) a single compound of formula I or II, (b) a polymerizable component and (c) a dental material, for prosecution on the merits to which the claims shall be restricted if no generic claim is held allowable.

Applicant elects the following species:

- a) the bisphosphonic acid compound of Example 1 (1-hydroxy-6-methacrylamidohexylidene) bisphosphonic acid);
- b) HEMA (2-hydroxyethyl methacrylate) as the polymerizable component; and
- c) the composition for promoting adherence of a dental restorative material (e.g a filling) to a hard surface.

The following claims are readable on the elected species: 1, 2, 3, 4, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 30, 31, 32, 33, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 58, 59, 60, 61.

FEB 20 2007

Application No.: 10/729497

Case No.: 58069US004

BEST AVAILABLE COPY

Conclusion

Applicants have elected Group I and the above-identified species for further prosecution. The Examiner is invited to contact the undersigned at the indicated telephone number with questions that can be resolved with a simple teleconference.

Respectfully submitted,

Feb. 20, 2007
Date

By: Sean J. Foman
Sean J. Foman, Reg. No.: 42,506
Telephone No.: 651-575-1796

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833